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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,263	07/22/2003	Paul L. Jeruss	10603	8408

36493 7590 07/27/2004

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EXAMINER

HARTMANN, GARY S

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,263

Applicant(s)

JERUSS, PAUL L.

Examiner

Gary Hartmann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-16, 19, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 17, 18 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/7/3</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claim 4 is objected to because the term "said rib" lacks proper antecedent basis, since there are a plurality of ribs recited. Appropriate correction is required.

Claim 6 is objected to because the term "said female connector head" lacks proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 10-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hilton (U.S. Patent 3,377,931).

Hilton discloses a plate having opposing side edges (Figure 2) and male/female connecting edges (Figure 3). There are a plurality of ribs (31) extending between opposing side edges. These ribs meet the recitation of integrally formed reinforcement means extending between opposing side edges. There is a fastening receiver (38, 40) adjacent each side edge.

The structure of Hilton meets the recitations of claims 2-5, 10-13 and 15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 10-14 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (U.S. Patent 5,647,184).

Davis discloses a plate having opposing side edges (Figure 2, for example) and male/female connecting edges (Figures 3 and 13, for example). There are a plurality of ribs (upper surface, Figure 3, for example) extending between opposing side edges. There are integrally formed reinforcement means (25-29) extending between opposing side edges. While there is no fastening receiver, there is a cap (55) which covers the ends. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a fastening receiver with the reinforcement means of Davis in order to more securely attach the end cap to the tread plate.

The structure of Davis meets the recitations of claims 2, 5, 11-13 and 15.

Regarding claim 10, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used apertures in order to decrease weight and, therefore, ease handling of the apparatus, for example.

Regarding claim 14, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used ribs extending from a lower side thereof in order to

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increase strength or in order to enable use of either side of the apparatus, for example. Note that this is a duplication of parts, which does not patentably distinguish the apparatus in this instance.

Regarding claim 16, caps (55) meet the recitations of side rails.

Regarding claims 17, 18 and 20, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the fastening means in order to more securely attach the end cap.

Regarding claim 19, the structure of Davis meets the recitation of an apron.

Regarding claim 22, Davis includes apertures (channels between reinforcement means, for example) which could be gripped.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (U.S. Patent 5,647,184) as applied above, and further in view of Esposito (U.S. Patent 5,404,686).

Davis does not teach the limitations of claim 2. Esposito teaches an arrangement meeting these recitations. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the connection of Esposito with the plate of Davis in order to obtain a plate having desired structural characteristics for a particular application, for example.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (U.S. Patent 5,647,184) as applied above, and further in view of White (U.S. Patent 6,427,402).

White teaches the configuration recited in claim 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the connection of White with the plate of Davis in order to obtain a plate having desired structural characteristics for a particular application, for example.

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Allowable Subject Matter

Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 703-305-4549. The examiner can normally be reached on Monday through Friday, 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Gary Hartmann
Primary Examiner
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